

Response Under 37 CFR 1.116  
Expedited Procedure  
Examining Group 3724

## Remarks

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The Drawings

The drawings are objected to due to the following informalities: In Figure 1, the lead line for numeral 26 indicates the same feature as for numeral 16, and it seems that numeral 26 and its lead line should be deleted. Also, it seems that numerals 17 and 18 should be added corresponding to unit 30 for clarity. Also, it seems that numeral 19 with an arrowhead lead line should be added to unit 30 for clarity.

Figure 1, with the appropriate indicators for the application and designation as "Replacement Sheet", are included herewith. Numeral 26, which also indicated the same feature as numeral 16, has been deleted. Numeral 17 and 18, as well as numeral 19, have been added to the unit 30. Applicant respectfully believes that the enclosed "Replacement Sheet" overcomes the Examiner's objections to the drawings.

Objections to the Specification

Regarding item #3 (set forth on pages 3 through 5 of the Office Action), Applicant states the following:

Paragraphs [0002], [0014], [0015], [0018], [0019], and [0020] have been amended as suggested by the Examiner.

With respect to the Examiner's suggested Amendment of paragraph [0022], Applicant respectfully explains to the Examiner that the unit 30 is provided on a slide 17, whereby the slide 17 is guided by a guide rail 16. In this respect, paragraph [0022] is correct. Numeral 19 has been added to Figure 1, which should overcome the objection to paragraph [0022]. Line 2 of paragraph [0022] has been amended from "a motor-driven cutting tool 19" to "the cutting tool 19, which is driven by the motor 37". Applicant

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respectfully believes that the above explanation, amended Figure 1, and the further Amendments to the description (as suggested by the Examiner) overcome the objections with regard to paragraph [0022].

Paragraphs [0025], [0026], and [0027] have been amended, as suggested by the Examiner.

Paragraph [0028] has been partially amended as the Examiner suggests, and the following explanation is provided. With respect to numerals 41 and 42, which refer to the ejector sleeve and the groove, respectively (the seating), replacement Figure 1 has been amended to overcome the objections.

Paragraphs [0032] and [0035] have been amended according to the Examiner's suggestions.

With regard to the objections set forth in items #6 and #8 (pages 8 and 9 of the Office Action), claim 39 has been amended. With respect to #8 (as well as #6), the wording "ejector sleeve" in line 7 to 8 of claim 39 is not correct. The term "sleeve" has been deleted. The slide 17 carries the at least one cutting tool and the ejector. This is mentioned, for example, in claim 18, and is correspondingly disclosed in paragraph [0008] with the slight difference that in paragraph [0008] the wording "cutting knife" is used instead of "cutting tool".

Concerning the further claim objection in item #8, which refers to "driver element", Applicant amended the wording to "driving element", as this is disclosed in paragraph [0009], line 2. This should overcome the objection. With respect to the wording "extendable" in line 8 of claim 39, it has been changed to "that can travel". Applicant is open to the Examiner's suggestion as to how that wording may be changed

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for the Examiner to find the wording acceptable. This is also disclosed in paragraph [0009].

The further claim objection referring to "a seating" as mentioned under Item #8 should be overcome, because Applicant has already amended the reference numbers in the drawing according to Figure 1 and therefore, the wording "seating" in connection with the ejector sleeve should be clear to a person of ordinary skill in the art.

In line 7 of claim 39, Applicant has further added "carrying an" so that it is clear that the ejector and the cutting tool are both driven by the slide. This is disclosed in claim 18 and paragraph [0008] of the specification.

Given the amendments to claim 39, Applicant respectfully believes that the objections set forth in Items #6, 7 and 8 of the Office Action should be overcome.

With regard to Item #5 (set forth on pages 6 through 8 of the Office Action), the Examiner has raised several questions, stating that in his opinion, the specification is not clear and does not enable one of ordinary skill in the art to understand the invention.

Respectfully, it seems that the Examiner does not understand the invention, because the function of the apparatus is fully described in the description.

It is true that original Figure 1 does not show the corresponding "guide element", which engages the threaded spindle. Applicant has amended Figure 1 in the Replacement Sheet of Figure 1 submitted herewith, and that amended Figure shows the spindle. Applicant did not add the guide element to Figure 1, because such an Amendment to the Figure would result in an objection for adding subject matter. However, if a person of ordinary skill in the art read paragraph [0017] and [0018], the artisan would clearly understand that the spindle is provided to move the guide element and the guide element

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is the connecting element between the spindle and the slide to move the slide along the guide rail.

For example, in paragraph [0017], lines 2 and 3, it is noted that the slide is displaceable on the guide rail 16. Further, in paragraph [0018], it is noted that the guide rail 16 comprises the threaded spindle, and the slide has a corresponding guide element, which engages the spindle 26. Therefore, it is clear that the guide element connects the threaded spindle with the slide 17. Further, in paragraph [0019], it is noted that the stepping motor enables precisely driving the slide to obtain an exact travel path with respect to the cutting tool.

Therefore, Applicant respectfully believes that a person of ordinary skill in the art would read the specification and understand that the slide is made movable along the guide rail. According to Applicant's knowledge, it is not necessary that every described detail must be shown in detail in the Figure, because the present invention does not refer to the connection between the spindle and the slide.

Applicant further refers to page 7, first and second line of the Office Action. The ejector 21 is connected to the guide rail so that the ejector is received by a flange, which is fastened to the slide. This is disclosed in claim 18, as well as in the description in paragraph [0008], lines 1 and 2. This mentions that the ejector and the cutting knife are arranged on a flange, which is removably arranged on a slide. Due to this, it is obvious that if the cutting tool, and respectively the slide, is moved, the ejector is also moved. Therefore, it is consequently also clear that the range of the movement according to paragraph [0017], lines 5 to 8 discloses that the slide is movable between the ejector

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position 24 and the initial position 23 by the slide, and therefore, the cutting tool is also movable along this path.

With respect to the further aspect on page 7 of the Office Action in lines 5 to 8, which states that it is not clear how the ejector 21 can move from the initial position 23 to the ejector position 24 without interfering. At least in regard to the cutting unit 30 and 35, Applicant draws the Examiner's attention to paragraph [0025]. This mentions unit 35, which can be alternately provided. One or more units 30 or 53 can also be provided. In paragraph [0031], it is further mentioned that two or more slides can be provided on a guide rail and a cut optimization can take place by the program control so that, for example, three slides with cutting tools (respectively cutting units) arranged on them can be driven, which can result in reducing the time to cut the whole tube to a third of the usual time. The path of each unit 30 and 35 is controlled to avoid damages.

The unit 53 is provided to be fixed to the guide as mentioned in paragraph [0033] and can be provided between two movable slides. Thus, the programmable unit knows that one unit is fixed and the other two are movable in the remaining path of the guide rail.

This also conforms to the wording of claim 1: with respect to unit 53, it is not disclosed on a slide on which the unit 53 is mounted. The unit 53 is mounted directly, as shown in Figure 1, and described in [0033], line 2 by "fixed" and therefore claim 1 is also clear with respect to this unit 53, because unit 53 is not claimed by the claim.

Respectfully, it seems that the Examiner believes that according to Figure 1, units 30, 53 and 35 must be provided at the same time on the guide rail 16. This is not the case. Units 30, 53 and 35 are only shown to describe in detail (for example in paragraph

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[0023], [0024] and [0025]) what kinds of units could be provided to the slide or directly to the guide rail, in the case of unit 53, and that it is possible to provide the slide with a driven and a non-driven cutting tool.

Applicant respectfully believes that the above explanation of the description overcomes the objections set forth on page 7 of the Office Action, starting with line 9.

The further objection on page 7, starting with line 15, has already been discussed, and the objection should be overcome.

Given the above mentioned argument, it should be clear how the apparatus works to achieve a rational processing of a tube for the production of sleeves of different lengths. The slide carrying the cutting tool and the ejector is moved from an initial position to an end position and cuts sleeves of the same and different cut-off lengths. After the slide is located in the end position, the ejector carried by the slide can be actuated, though it will engage with the ejector sleeve. By returning the slide and cutting tool from the end position into the initial position, the cutting sleeves of the tube will be automatically stripped off from the counter-holder, so that after the slide with the cutting tool has returned to the initial position, a new tube can be provided onto the counter-holder.

Applicant respectfully believes that the specification would clearly explain the invention to a person of ordinary skill in the art. Therefore, Applicant respectfully requests that after reviewing this submission, including the replacement sheet for Figure 1, the Examiner reads the specification again. Applicant is confident that the objections to the specification have been overcome.

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### The Claims

Claims 39 and 40 are amended to overcome the objections and to clarify the invention claimed. No new matter is added.

This Amendment After Final Action is necessary to place the claims in condition for allowance or in better condition for appeal. No new matter has been added in this Amendment After Final Action.

A two-month extension of time in which to respond to the outstanding Office Action is hereby requested. PTO-2038 authorizing credit card payment for the amount of \$225 is enclosed for the prescribed Small Entity two-month extension fee.

Wherefore further consideration and allowance of the application, as amended, is respectfully requested.

Respectfully submitted,



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### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify under 37 CFR §1.8(a) that this correspondence is being submitted to Mail Stop AF with Fee, Art Unit 3724, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by facsimile transmission on 06/22/2007, fax number (571) 273-8300.



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